

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: William E. Ortyn et al. New Attorney Docket No: BIOL0072
Prior Serial No: 10/355,653 Anticipated Group Art Unit: 2877
Prior Appln Filed: January 29, 2003 Anticipated Examiner: Roy M. Punnoose
Title of Present Appln: MULTIPASS CAVITY FOR ILLUMINATION AND EXCITATION OF
MOVING OBJECTS

REQUEST FOR FILING DIVISIONAL APPLICATION UNDER 37 C.F.R. § 1.53(b)
TRANSMITTAL LETTER

Bellevue, Washington 98004

October 21, 2003

TO THE COMMISSIONER FOR PATENTS:

This is a request for filing by EXPRESS MAIL a divisional application under 37 C.F.R. § 1.53(b), based on pending prior application Serial No. **10/355,653**, filed January 29, 2003, of William E. Ortyn, David A. Basiji, Keith L. Frost, and N. Robert McRuer for MULTIPASS CAVITY FOR ILLUMINATION AND EXCITATION OF MOVING OBJECTS, which in turn is a divisional of prior application Serial No. **09/689,172**, filed October 12, 2000, of David A. Basiji, William E. Ortyn, N. Robert McRuer, and Keith L. Frost for MULTIPASS CAVITY FOR ILLUMINATION AND EXCITATION OF MOVING OBJECTS, which in turn is a continuation-in-part of prior application Serial No. **09/490,478** filed January 24, 2000 (now issued as U.S. Patent No. 6,249,341) of David A. Basiji and William E. Ortyn for IMAGING AND ANALYZING PARAMETERS OF SMALL MOVING OBJECTS SUCH AS CELLS, which is a conventional application based on prior provisional application Serial No. **60/117,203** filed January 25, 1999 for CELL SORTER/FLOW CYTOMETER EMPLOYING TIME DELAY AND INTEGRATION SENSING, the benefits of the filing dates of which are hereby claimed under 35 U.S.C. §§ 119(e) and 120.

- X 1. A filing date in accordance with 37 C.F.R. § 1.10 is requested. A certificate of mailing by "Express Mail" is set forth below.
- X 2. Applicant claims small entity status. See 37 C.F.R. § 1.27.
- X 3. Enclosed is a true copy of prior application Serial No. 10/355,653 comprising 25 pages of specification, claims, and abstract, and 11 sheets of drawings as originally filed in the earlier priority application 09/689,172 and used for filing the priority application Serial No. 10/355,653.

- X 4. Enclosed is a true copy of the declaration executed by the inventors in priority application Serial No. 10/355,653 as originally filed.
- X 5. Enclosed is a true copy of the declaration executed by the inventors in earlier priority application Serial No. 09/689,172 as originally filed.
- X 6. Incorporation by Reference: The entire disclosures of the prior applications, from which copies of the oaths or declarations are supplied herewith, are considered to be part of the disclosure of the accompanying application and are hereby incorporated by reference therein.
- X 7. a. Prior application Serial No. 09/689,172 is assigned by inventors David A. Basiji, William E. Ortyn, and Keith L. Frost to Amnis Corporation and is recorded in the United States Patent and Trademark Office at Reel 012133, Frame 0835.
- b. Prior application Serial No. 09/689,172 is further assigned by final inventor N. Robert McRuer to Amnis Corporation and is recorded in the United States Patent and Trademark
- X 8. The title as last amended and the name of applicant as originally filed are set forth above.
- X 9. Priority under 35 U.S.C. § 120 is hereby claimed based on the aforementioned applications.
- X 10. Priority under 35 U.S.C. § 119e is hereby claimed based on the aforementioned provisional application.
- X 11. New formal drawings (11 sheets) for this divisional application are enclosed.
- X 12. A Preliminary Amendment is submitted herewith.
- X 13. The filing fee for the present divisional application is calculated below.

CLAIMS AS PRESENTLY FILED, LESS ANY CLAIMS CANCELLED OR ADDED BY AMENDMENT BELOW OR BY PRELIMINARY AMENDMENT TRANSMITTED CONCURRENTLY HEREWITH

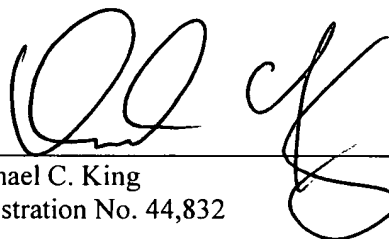
| COMPUTATION OF FEE | | | | |
|---|---------------------------|---------------------------|-------|--------------------|
| | Number of Claims Filed | Number of Extra Claims | Rate | Basic Fee \$385 |
| Total Claims (Claims 24-33 and new Claims 38-40) | 13 - 20 = | -0- | \$9 | -0- |
| Independent Claims | 3 - 3 = | -0- | \$43 | -0- |
| Multiple Dependent Claims | -0- | -0- | \$145 | 0.00 |
| TOTAL FILING FEE | | | | \$ <u>385</u> |

- X 14. Check No. 6979 in the amount of \$385 as computed above is enclosed as the filing fee for the present divisional application. Please charge any additional fees or credit any overpayment to Deposit Account No. 01-1940. A copy of this sheet is enclosed.

Please address all future correspondence to:

LAW OFFICES OF RONALD M. ANDERSON
600 - 108th Avenue N.E., Suite 507
Bellevue, WA 98004
Telephone: 425-688-8816 Facsimile: 425-646-6314

Respectfully submitted,



Date: October 21, 2003

Michael C. King
Registration No. 44,832

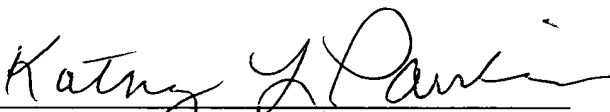
EXPRESS MAIL CERTIFICATE

Express Mail Label No. EV304035604US

Date of Deposit: October 21, 2003

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above and is addressed to the Commissioner for Patents, Alexandria, Virginia 22313-1450.

Kathy L. Paulino
(Name of person mailing paper/fee)


(Signature of person mailing paper or fee)